
By: **Senator Frosh**

Introduced and read first time: January 29, 2004

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 2004

CHAPTER_____

1 AN ACT concerning

2 **Criminal Procedure - Statute of Limitations - Prosecutions for Criminal**
3 **Violation of Insurance Law**

4 FOR the purpose of extending the period within which a prosecution of a
5 misdemeanor offense under the Insurance Article of the Annotated Code may be
6 instituted to a certain number of years following the commission of the offense;
7 establishing a certain exception to a limitation on the prosecution of a certain
8 fine or penalty under certain circumstances; and generally relating to
9 limitations on the period of time for instituting prosecutions for certain offenses.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 5-106 and 5-107
13 Annotated Code of Maryland
14 (2002 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Courts and Judicial Proceedings**

18 5-106.

19 (a) Except as provided by this section, a prosecution for a misdemeanor shall
20 be instituted within 1 year after the offense was committed.

1 (b) Notwithstanding § 9-103(a)(3) of the Correctional Services Article or any
2 other provision of the Code, if a statute provides that a misdemeanor is punishable by
3 imprisonment in the penitentiary or that a person is subject to this subsection:

4 (1) The State may institute a prosecution for the misdemeanor at any
5 time; and

6 (2) For purposes of the Maryland Constitution, the person:

7 (i) Shall be deemed to have committed a misdemeanor whose
8 punishment is confinement in the penitentiary; and

9 (ii) May reserve a point or question for in banc review as provided
10 under Article IV, § 22 of the Maryland Constitution.

11 (c) A prosecution under the vehicle code shall be instituted within 2 years
12 after the offense was committed if the charge is:

13 (1) Unlawfully using a driver's license; or

14 (2) Fraudulently using a false or fictitious name when applying for a
15 driver's license.

16 (d) A prosecution for Sabbath breaking or drunkenness shall be instituted
17 within 30 days after the offense was committed.

18 (e) In Allegany County, a prosecution for selling alcoholic beverages to a
19 person under the legal age for drinking such alcoholic beverages or for selling
20 alcoholic beverages after hours shall be instituted within 30 days after the offense
21 was committed.

22 (f) A prosecution for the commission of or the attempt to commit a
23 misdemeanor constituting: (1) except as provided in subsection (h) of this section, a
24 criminal offense under the State election laws; or (2) a criminal offense under the
25 Maryland Public Ethics Law; or (3) criminal malfeasance, misfeasance, or
26 nonfeasance in office committed by an officer of the State, or of an agency of the State,
27 or of a political subdivision of the State, or of a bicounty or multicounty agency in the
28 State shall be instituted within 2 years after the offense was committed.

29 (g) A prosecution for conspiracy to commit any of the offenses enumerated in
30 subsection (f) of this section shall be instituted within 2 years after the offense was
31 committed.

32 (h) A prosecution to impose a civil fine for an offense arising under § 13-604 of
33 the Election Law Article shall be instituted within 3 years after the offense was
34 committed.

35 (i) A petition by the State Ethics Commission to seek a civil fine under §
36 15-902(b) of the State Government Article may not be initiated unless the complaint
37 is filed by the Commission within 3 years from the time the conduct ended.

1 (j) A prosecution for a welfare offense under §§ 8-501 through 8-504 of the
2 Criminal Law Article shall be instituted within 3 years after the offense was
3 committed.

4 (k) A prosecution for a misdemeanor offense under Title 8, Subtitle 5, Part II
5 of the Criminal Law Article shall be instituted within 3 years after the offense was
6 committed.

7 (l) A prosecution for an offense arising under the Tax - General Article with
8 respect to the sales and use, admissions and amusement, financial institution
9 franchise, income, or motor fuel tax shall be instituted within 3 years after the date
10 on which the offense was committed.

11 (m) A prosecution for the offense of failure to secure workers' compensation
12 insurance in accordance with Title 9, Subtitle 4 of the Labor and Employment Article
13 shall be instituted within 1 year after the State Workers' Compensation Commission
14 finds, by order, that the employer was uninsured or, pursuant to the authority
15 contained in § 9-1003 of the Labor and Employment Article, within 1 year after the
16 Uninsured Employers' Fund makes payment under § 9-1003 of the Labor and
17 Employment Article, as directed by the Commission.

18 (n) A prosecution for an offense of the controlled hazardous substance law
19 under § 7-265(b) of the Environment Article, shall be instituted within 2 years after
20 commission of the offense.

21 (o) Except as provided in subsection (g) of this section, the statute of
22 limitations for the prosecution of the crime of conspiracy is the statute of limitations
23 for the prosecution of the substantive crime that is the subject of the conspiracy.

24 (p) A prosecution for an offense under Title 2, Subtitle 5 or § 2-209 of the
25 Criminal Law Article or § 20-102 of the Transportation Article shall be instituted
26 within 3 years after the offense was committed.

27 (q) A prosecution for an offense of discrimination on the basis of sex in paying
28 wages under §§ 3-301 through 3-308 of the Labor and Employment Article shall be
29 instituted within 3 years after the performance of the act on which the prosecution is
30 based.

31 (r) A prosecution for an offense of unlawfully charging or receiving
32 compensation in connection with an adoption under § 5-327 of the Family Law Article
33 shall be instituted within 3 years after the offense was committed.

34 (s) A prosecution for an offense under § 14-601 of the Health Occupations
35 Article of practicing, attempting to practice, or offering to practice medicine without a
36 license shall be instituted within 3 years after the offense was committed.

37 (t) A prosecution for an offense under the Maryland Charitable Solicitations
38 Act (Title 6 of the Business Regulation Article) shall be instituted within 3 years after
39 the offense was committed.

1 (u) A prosecution for an offense under § 5-140, § 5-141, or § 5-143 of the
2 Public Safety Article, relating to straw sales of regulated firearms to prohibited
3 persons or minors and to illegal sales, rentals, transfers, possession, or receipt of
4 regulated firearms, shall be instituted within 3 years after the offense was
5 committed.

6 (v) A prosecution for a violation of the fish and fisheries provisions of Title 4 of
7 the Natural Resources Article or the wildlife provisions of Title 10 of the Natural
8 Resources Article shall be instituted within 2 years after commission of the offense.

9 (w) A prosecution under § 7-302 of the Criminal Law Article relating to
10 computer crimes shall be instituted within 3 years after the offense was committed.

11 (x) A prosecution for an offense under § 3-605 of the Criminal Law Article
12 relating to abuse or neglect of a vulnerable adult shall be instituted within 2 years
13 after the offense was committed.

14 (y) A prosecution for a misdemeanor offense under Title 9 of the Health
15 Occupations Article shall be instituted within 3 years after the offense was
16 committed.

17 (Z) A PROSECUTION FOR A MISDEMEANOR OFFENSE UNDER THE INSURANCE
18 ARTICLE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE WAS
19 COMMITTED.

20 5-107.

21 [A] EXCEPT AS PROVIDED IN § 5-106 OF THIS SUBTITLE, A prosecution or suit
22 for a fine, penalty, or forfeiture shall be instituted within one year after the offense
23 was committed.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2004.